

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCO ANTONIO LUA SANDOVAL,

Defendant.

2:23-CR-088-APG-DJA

Preliminary Order of Forfeiture

This Court finds Marco Antonio Lua Sandoval pled guilty to Count One of a One-Count Criminal Information charging him with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. Criminal Information, ECF No. 22; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 24.

This Court finds Marco Antonio Lua Sandoval agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 22; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 24.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Marco Antonio Lua Sandoval pled guilty.

The following property is (1) any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, 21 U.S.C. §§ 841(a)(1) and 846; (2) any firearm or ammunition intended to be used in any offense punishable under the Controlled Substances Act, 21 U.S.C. §§ 841(a)(1) and 846; (3) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C.

§ 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or 21 U.S.C. § 846, conspiracy to commit such offense; (4) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. §§ 841(a)(1) and 846; (5) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of violations of 21 U.S.C. §§ 841(a)(1) and 846; (6) all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §§ 841(a)(1) and 846, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §§ 841(a)(1) and 846; and (7) any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in 21 U.S.C. § 881(a)(1) and 881(a)(2), in violation of 21 U.S.C. §§ 841(a)(1) and 846 and any proceeds traceable to such property and is subject to forfeiture under 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1), (2)(C), and (3)(B) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1), 853(a)(2), and 853(p); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c):

1. \$53,973 in US Currency;
 2. Samsung Galaxy S10+ Cellphone, IMEI: 357330100534262;
 3. Samsung Galaxy Note 9 Cellphone, S/N: RF8KA0F6JLV;
 4. Pistol, Colt Govt Model, S/N: ELCEN12041, Chambered in .38 Super with the magazine;
 5. 12 rounds .38 Super ammunition;
 6. Pistol, Colt Govt Model, S/N: 2831368, Chambered in .45 ACP with two magazines;
 7. 7 rounds of .45 ACP ammunition; and
 8. any and all compatible ammunition
- (all of which constitutes property).

1 This Court finds that on the government's motion, the Court may at any time enter
2 an order of forfeiture or amend an existing order of forfeiture to include subsequently
3 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

4 This Court finds the United States of America is now entitled to, and should, reduce
5 the aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
7 DECREED that the United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
9 rights, ownership rights, and all rights, titles, and interests of Marco Antonio Lua Sandoval
10 in the aforementioned property are forfeited and are vested in the United States of America
11 and shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
13 of America shall publish for at least thirty (30) consecutive days on the official internet
14 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
15 describe the forfeited property, state the times under the applicable statute when a petition
16 contesting the forfeiture must be filed, and state the name and contact information for the
17 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
19 or entity who claims an interest in the forfeited property must file a petition for a hearing to
20 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
21 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
22 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
23 petitioner's right, title, or interest in the property, the time and circumstances of the
24 petitioner's acquisition of the right, title or interest in the property, any additional facts
25 supporting the petitioner's claim, and the relief sought.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
27 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
28 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was

1 not sent, no later than sixty (60) days after the first day of the publication on the official
2 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.


3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
4 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
5 Attorney's Office at the following address at the time of filing:

6 Daniel D. Hollingsworth
7 Assistant United States Attorney
8 Misty L. Dante
9 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED May 17, 2023, 2023.

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20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
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